



U.S. Department of Justice

United States Attorney
District of New Jersey

970 Broad Street, Suite 700
Newark, New Jersey 07102

July 25, 2012

VIA ELECTRONIC MAIL AND HAND DELIVERY

The Honorable Claire C. Cecchi
United States District Judge
Martin Luther King, Jr. Building
50 Walnut Street
Newark, NJ 07102

Re: United States v. Dov Rand, 12-352 (CCC)

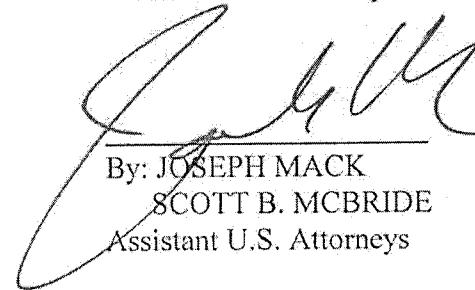
Dear Judge Cecchi:

Consistent with the plea agreement in this matter, please find enclosed for your consideration a Consent Judgment and Order of Forfeiture. You will notice that the forfeiture amount on the enclosed - \$5,625 - is different than the \$8,325 referenced in the plea agreement and Information that were filed with the Court at the time of the Defendant's plea on May 18, 2012. The \$8,325 amount was calculated in error and the parties have re-visited the forfeiture calculation and agreed that the \$5,625 amount, reflected on the enclosed, is the correct amount.

Please let me know if you have any questions.

Respectfully submitted,

PAUL J. FISHMAN
United States Attorney



By: JOSEPH MACK
SCOTT B. MCBRIDE
Assistant U.S. Attorneys

cc: Anthony Pope, Esq. (via electronic mail and first-class mail)

Enclosure

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Plaintiff,

v.

DOV RAND

Defendant.

Honorable Claire C. Cecchi, U.S.D.J.

Criminal No. 12-352

CONSENT JUDGMENT AND
ORDER OF FORFEITURE

WHEREAS, on or about May 18, 2012, defendant Dov Rand (hereinafter "defendant") pled guilty to an Information charging him with a violation of the federal health care program anti-kickback statute, Title 42, United States Code, Section 1320a-7b(b)(1)(A), and Title 18, United States Code, Section 2; and

WHEREAS, pursuant to Title 18, United States Code, Section 982, a person convicted of an offense in violation of Title 42, United States Code, Section 1320a-7b(b)(1)(A), shall forfeit to the United States any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to a violation of Title 42, United States Code, Section 1320a-7b(b)(1)(A), which is a Federal health care offense within the meaning of Title 18, United States Code, Section 982(a)(7); and

WHEREAS, by virtue of the above, the United States is now entitled to the possession of \$5,625 in United States currency (hereinafter "the Property")

because it represents proceeds traceable to a violation of Title 42, United States Code, Section 1320a-7b(b)(1)(A); and

WHEREAS defendant Dov Rand, pursuant to his plea agreement with the United States has agreed to hand-deliver to the Asset Forfeiture and Money Laundering Unit of the United States Attorney's Office, District of New Jersey, a certified or bank check payable to the United States Marshals Service in the amount of \$5,625; and

WHEREAS if by any act or omission of the defendant, any property subject to forfeiture:

- (A) cannot be located upon the exercise of due diligence;
- (B) has been transferred or sold to, or deposited with, a third party;
- (C) has been placed beyond the jurisdiction of the court;
- (D) has been substantially diminished in value; or
- (E) has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c); and

WHEREAS defendant Dov Rand:

(1) Consents to the forfeiture to the United States of \$5,625 as property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the offense to which he pled guilty;

(2) Agrees to consent promptly upon request to the entry of any orders deemed necessary by the government or the Court to complete the forfeiture and disposition of property;

(3) Waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of forfeiture in the charging instrument, announcement of the forfeiture in the defendant's presence at sentencing, and incorporation of the forfeiture in the Judgment of Conviction;

(4) Acknowledges that he understands that forfeiture of property will be part of the sentence imposed upon him in this case and waives any failure by the Court to advise him of this, pursuant to Federal Rule of Criminal Procedure 11(b)(1)(J), during the plea hearing;

(5) Agrees, pursuant to Rule 32.2(b)(3), to consent promptly to the finalization of the order of forfeiture before sentencing if requested by the government to do so;

(6) Waives, and agrees to hold the United States and its agents and employees harmless from, any and all claims whatsoever in connection with the seizure, forfeiture, and disposal of the property described above; and

(7) Waives all constitutional and statutory challenges of any kind to any forfeiture carried out pursuant to this Consent Judgment;

WHEREAS Rule 32.2(c)(1) provides that no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment; and

WHEREAS good and sufficient cause has been shown,

It is hereby **ORDERED, ADJUDGED, AND DECREED:**

THAT, pursuant to Title 18, United States Code, Section 982, defendant Dov Rand shall forfeit to the United States the sum of \$5,625; and

IT IS FURTHER ORDERED that a money judgment in the amount of \$5,625 shall be entered against defendant Dov Rand; and

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e); and

IT IS FURTHER ORDERED that pursuant to Rule 32.2(b)(4)(A), this Order of Forfeiture shall become final as to defendant Dov Rand at the time of sentencing, or before sentencing if the defendant consents, and shall be made part of the sentence and included in the judgment; and

IT IS FURTHER ORDERED that the United States may move at any time pursuant to Rule 32.2(e) and 21 U.S.C. § 853(p) to amend this Order of Forfeiture to include substitute property having a value not to exceed \$5,625 in United States currency to satisfy the forfeiture money judgment in whole or in part.

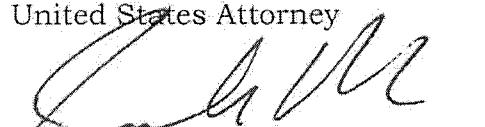
ORDERED this 26th day of July, 2012.



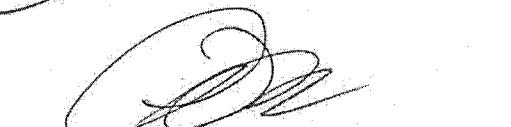
Honorable Claire C. Cecchi
United States District Judge

The undersigned hereby consent to the entry and form of this order:

PAUL J. FISHMAN
United States Attorney


By: JOSEPH MACK
Assistant United States Attorney

Dated: 7/25/12


ANTHONY POPE, ESQ.
Attorney for Defendant Dov Rand

Dated: 8/28/12


Defendant Dov Rand

Dated: 6/28/12